

Amendment No. 1 to HB1265

McManus
Signature of Sponsor

AMEND Senate Bill No. 1293

House Bill No. 1265*

by deleting the amendatory language of Section 7 and substituting instead the following:

The lien attaches when personal property is placed in the leased space.

AND FURTHER AMEND by adding to the amendatory language of Section 8(b) after the first sentence the following:

The rental agreement shall also include the late fee, if any, and when it may be imposed.

AND FURTHER AMEND by deleting from the third sentence of the amendatory language of Section 8(c) the language "may be computed as the greater of forty dollars a month" and substituting instead the language "is not more than the greater of twenty dollars (\$20.00) a month".

AND FURTHER AMEND by deleting from the amendatory language of Section 8(c) the following:

The owner may impose a lien fee.

AND FURTHER AMEND by deleting Section 9 and substituting instead the following:

SECTION 9. Tennessee Code Annotated, Section 66-31-105, is amended by deleting the following language:

The enforcement of the owner's lien against an occupant who is in default shall be in accordance with the following:

(1) No enforcement action shall be taken by the owner until the occupant has been in default continuously for a period of thirty (30) days;

(2) After the occupant has been in default continuously for a period of thirty (30) days, the owner shall have the right to enforce the owner's lien in accordance with the following:

and by substituting instead the following:

The enforcement of the owner's lien against an occupant who is in default may be done in accordance with either or both of the following procedures:

(1) In the case of short term default, denial of access:

(A) Upon the failure of a occupant to pay the rent for the storage space or unit when it becomes due, the owner may, without notice, deny the occupant access to the personal property located in the self-service storage facility or self-contained storage unit, and the owner without notice, not less than five (5) days after the date the rent is due, may enter and remove the personal property from the leased space to other suitable storage space pending its sale or other disposition; and

(B) The owner shall notify the occupant of the owner's intent to enforce the owner's lien by written notice delivered by hand delivery, by verified mail, or by electronic mail to the occupant's last known address; or

(2) In the case of long term default, which is a continuous fifteen (15) days, the owner may enforce the owner's lien in accordance with the following procedures:

AND FURTHER AMEND by inserting in the second sentence of the amendatory language of Section 14 between the words "potential" and "bidders" the word "independent".

AND FURTHER AMEND by deleting in subdivision (N) in Section 18 the language "in document" and substituting instead the language "in a document".

AND FURTHER AMEND by deleting subdivision (O) in Section 18 and substituting instead the following:

(O) An owner shall not be entitled to any remedies provided by this chapter, including but not limited to, enforcement of a lien against an occupant, if:

(i) The requirements of this section are not satisfied;

(ii) The sale of the personal property located in the leased space is not in conformity with § 66-31-105(2)(G); or

(iii) There is a willful violation of any provision of this chapter.

AND FURTHER AMEND by deleting Section 16 in its entirety.